

**Remarks.**

Claims 1, 17 and 31 have been amended to remove the non-statutory rejections of such claims by the Examiner. Limitation (a) of each such claims were amended to include the limitation that: "[T]he service provider providing to an automated evaluation processor a unique transaction record,..." This amendment makes it clear that the invention reduces to a practical application in the technological arts by integration with computer/computer automation, and therefor is not merely an abstract idea. The amendment to limitation (a) is supported in the specification at page 2, lines 20-21 and at page 3, lines 12-16.

Limitation (b) of claims 1, 17 and 31 has been amended to include the limitation that, "the at least one service evaluator directly contacting the evaluation processor for providing to the evaluation processor evaluation data, ...". The amendment to limitation (b) is supported in the specification at page 4, lines 22-24.

**Response to Claims Rejections.****Rejection of Claims 1-3, 5-16, 17-18, 20-30, 31-38 under 35 U.S.C. §101.**

Rejection of claims 1-3, 5-16, 17-18, 20-30, and 31-38, under 35 U.S.C. 101 is respectfully traversed to the extent such rejections are applicable to newly amended claims 1, 17 and 31. claimed invention is directed to non-statutory subject matter.

Independent claims 1, 17 and 31 have been amended to include the limitation that the method claimed are automated, the automation clearly being carried out on a computer, as disclosed in the specification. Claims 2-3, 5-16, 18, 20-30, 32-38 are claims dependent on the base independent claims, and since the newly amended claims 1, 17 and 31 are now clearly directed to statutory subject matter, the claims dependent upon such newly amended claims are also directed to statutory subject matter.

**Rejection of Claims 1-3, 5-16, 17-18, 20-30, 31-38 under 35 USC § 112.**

Rejection of claims 1-3, 5-16, 17-18, 20-30, 31-38 under 35 USC § 112 is respectfully rejected to the extent such rejection applies to newly amended claims 1, 17 and 31. Limitations (a) of claims 1 and 17 were revised to provide, "evaluation processor for receiving evaluation data from the service provider and at least one service evaluator." Thus the indefiniteness of "a plurality of service providers" had been removed. In claim 31, the limitation identifying, "the evaluation process for receiving evaluation data from a plurality of service providers" has been deleted, removing the indefiniteness.

Similarly, the indefiniteness in claims 1 and 17 regarding the "at least one manager, at least one employee" has been removed by reciting the "at least one manager" in the body of the claim and removing the reference to the "at least one employee."

Claim 2 has been amended to replace the "provider manager" with the phrase, "the at least one manager," removing the indefiniteness noted by the Examiner.

Claims 2-3, 5-16, 18, 20-30, 32-38 are dependent upon newly amended independent claims 1, 17 and 31, and the amendments to such independent claims now render such dependent claims definite and in condition for allowance.

**Claim Rejections - 35 USC § 103**

The Examiner has rejected claims 1-3, 6-11, 13-16, 17-18, 20-25, 27-30, 31-33, 35-38 under 35 U.S.C. 103(a) as obvious over Riordan et al (US Patent 6,519,572) in view of Kesel (US Patent 6,026,387) or further in view of Fuerst (US Patent 6,189,029). Applicant respectfully traverses such rejection to the extent such rejection applies to newly amended claims 1, 17 and 31.

**Analysis of U.S. Patent No. 6,519,572 to Riordan.**

Riordan discloses a method and system for collecting and processing marketing data relating to the identification, quantity and price of items purchased. The system of Riordan comprises a point-of-sales computer whereby the amount of sale is transmitted to a credit authorization system for authorization of the sale. Detailed data pertaining to the items or services purchased are included with the amount of sale, and all transmitted data is stored for later retrieval and demographic analysis. Product information transmitted to the system of Riordan is completely performed from the point-of-sales computer. Data is inputted by the product/service provider, the primary purpose being approval of the purchaser's credit, and with the ancillary purpose of collecting data concerning the purchaser and the purchased goods. The only product information transferred in Riordan is the type and quantity of goods purchased. The purchaser in Riordan does not communicate with an evaluation processor. Any communication with the evaluation processor is made directly by the product/service provider.

**Analysis of U.S. Patent No. 6,026,387 to Kesel.**

Kesel discloses a system for the receipt of oral comments from a customer/user. In Kesel, the service provider is the retail store. The system is located in the facility of the service provider and the customer/user may submit various comments to the menu-driven system. The customer does not enter any information regarding the service provider since the system is on site. The customer does not enter any unique transaction identifier. The system only assigns a date/time identifier. Oral comments are analyzed on the basis of selected descriptors and reports are generated on correlated subjects, including employees. Kesel does not disclose a system capable of receiving evaluation data from customers from more than one service provider. Kesel does not disclose a system whereby the service provider provides a unique transaction record to the analyzer/evaluation processor. Kesel does not disclose a system whereby the service provider provides to the analyzer/evaluation processor a unique identifier of the employee. Kesel does not disclose a system whereby the service provider provides to the analyzer/evaluation processor selected service provider information.

**Analysis of U. S. Patent No. 6,189,029 B1 to Fuerst.**

Fuerst discloses a method of creating surveys scripts using web-based tools. Fuerst discloses the assignment of identification numbers to a survey to restrict access of unauthorized parties to the survey scripts. Fuerst discloses placing the survey scripts on a website for polling by selected groups of people. Fuerst discloses means of broadcasting to the selected group the availability of the survey on the website. Fuerst discloses the automatic tabulation of survey results corresponding to user response. Fuerst also teaches that

such data can be manipulated using other analytical tools or computer interfaces. Fuerst does not disclose any method by which the people that respond to the survey would be identified.

### **Discussion of prior art.**

**Rejection of claims 1, 17 and 31 under 35 U.S.C. 103(a) as obvious over Riordan et al in view of Kesel or further in view of Fuerst.**

The Examiner states that Riordan fairly discloses the step (c) of claims 1, 17 and 31: “(c) the evaluation processor correlating information from the unique transaction record and the evaluation data to produce a correlated transaction file; and wherein the evaluation processor stores the correlated transaction file for retrieval by the service provider manager. {see c1:25-30, c6:40-50, c7:19-25, c10:1-15, Fig. 1 and Fig. 6}”

This is simply not true for the following reasons:

1. The system of Riordan does not produce a correlated transaction file. A correlated transaction file is created from a unique transaction record provided by the service provider and evaluation data provided by the evaluator. Nowhere does Riordan disclose evaluation data being provided directly by the evaluator (Exhibit 1, Declaration of Todd Seiple, ¶¶ 4 (b)(c)).

2. The only use in Riordan of the word “correlation” is in the “Background.” At col. 1, lines 25-30, Riordan discloses the prior art method of processing marketing survey data using statistical correlations. These statistical correlations have no relationship whatsoever with the correlated transaction file of the instant invention. Further, there is no discussion whatsoever of the correlated transaction file being retrievable by the service provider (the at least one) manager, or that any such retrieval would be beneficial or desirable.

3. At col. 6, lines 40-50, Riordan discloses the receipt of the invoice information from the point-of-sales computer and the storage of such in the relational database. There is no discussion of any correlated transaction file being retrievable by the service provider (the at least one) manager, or that any such retrieval would be beneficial or desirable.

4. At col. 7, lines 19-25, Riordan discloses a relational storage arrangement for the collected marketing data that can then be searched. There is no discussion of any correlated transaction file being retrievable by the service provider (the at least one) manager, or that the retrieval would be beneficial or desirable.

5. At col. 10, lines 1-15, Riordan discloses the data warehouse and the structure of the data. There is no discussion of any correlated transaction file being retrievable by the service provider (the at least one) manager, or that any such retrieval would be beneficial or desirable.

5. Fig. 1 discloses a broad schematic of the invention of Riordan, with no disclosure as to any correlated transaction file being retrievable by Riordan.

7. Fig. 6 discloses a block diagram of one possible structure of a data warehouse for storing collected marketing data.

8. In Riordan, the only information relayed back to the service provider (the at least one) manager is that the credit of the customer has been approved. There is no correlated transaction file made available to the service provider (at least one) manager (Decl. Seiple, ¶ 4(c)).

Regarding limitation (b) of claims 1, 17 and 31, the examiner asserts:

“Note that RIORDAN et al fairly teaches on c1:20-30 that it's well known that market research firms (or evaluator) are employed to collect data using surveys, questionnaires, and other costly, and time-consuming techniques and therefore, data warehouse (185) in Fig. 1 or 6 would inherently include the market research firms (or evaluator) or would have been obvious for the market research firms to include data warehouse to carry out the same function.”

Applicant respectfully traverses such statement, particularly to the use of the word “inherent.” Under the doctrine of inherency, “[a]nticipation of inventions set forth in product claims cannot be predicated on mere conjecture respecting the characteristics of products that might result from the practice of processes disclosed in references.” *In re Felton*, 484 R.2d 495, 500, 179 USPQ 295, 298 (CCPA 1973). Under the Doctrine of Inherency, inherency does not mean that a thing might happen, the desired result **must inevitably happen** for the doctrine to apply. *Kropa v. Robie and Mahlman*, 88 U.S.P.Q. 478 (C.C.P.A. 1951). (Emphasis added.) Therefore, under the doctrine of inherency, the method of collecting data at the data warehouse (185) in Fig. 1 or 6 must be done by market researchers. **That is expressly not the methods taught by Riordan.** The use of “inherent” is totally inapplicable in the instant case, as should have been well known by the Examiner.

In addition, Riordan expressly teaches away from the use of such data collection methods. In order to find claim 1, 17 and 31 to be obvious, the Examiner must show that there must have been something present in those teachings of Riordan to suggest to one skilled in the art that the claimed invention was obvious, as stated in *In re Bergel*, 48 C.C.P.A. 1102, 292 F.2d 955, 956-57, 130 USPQ 206, 208 (CCPA 1961); *In re Sponnoble*, 56 C.C.P.A. 823, 405 F.2d 578, 585, 160 USPQ 237, 244 (CCPA 1969). “Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.” *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990) (quoting *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 140, 231 USPQ 644, 647 (Fed. Cir. 1986)). However, in the same paragraph as the Examiner has referenced above, Riordan states:

“Although based on statistically significant correlations, these techniques cannot with absolute precision determine the buying patterns of particular population segments or individual consumers. Indeed, as recognized in the art, such surveys often yield inaccurate and misleading result.

Therefore, it would not have been obvious to one of ordinary skill in the art to use the market survey methods described in the background of Riordan with the automated data collection methods described and claimed by Riordan (Decl. Seiple, ¶ 4(d)).

And further, the Examiner has admitted such by stating:

“Riordan et al fairly teaches the replacing of the inefficient manual marketing/surveying step to automatic global computer network automation using the Internet wherein the customer can access the provider via retailer's website.”

However, Examiner is again confusing the issue, the customer of Riordan has not reason to contact the system of Riordan (Decl. Seiple, ¶ 4(a)).

The Examiner further states:

“Surely, the consumer (or customer) has to provide evaluation data to the evaluator about the provider for marketing purpose so they can determine the buying patterns of consumer or sales patterns of provider.”

Applicant respectfully traverses such statement. There is no discussion of such in Riordan, and therefore Applicant requests from the Examiner copies of any written documents substantiating such statement that the consumer has to provide evaluation data to the evaluator of Riordan. No such input is shown to be necessary in Riordan. In addition, by making such above statement, the Examiner is making a convoluted argument that since the invention of Riordan uses the internet for obtaining credit approval and recording invoice information, that such methods are appropriate for the more efficient market surveys of the prior art, and thereby justifying the use of the teachings of the prior art. This argument is specious since the system of Riordan does not teach that any such market surveys are beneficial or useful. There is nothing to suggest that any such market survey information is any more accurate or less misleading.

Regarding the combination of Riordan and Kesel, the examiner states:

“It would have been obvious to modify the teaching of Riordan et al by further including a step of providing an evaluation data (consumer feedback about the sale experience) containing a unique transaction identifier of the provider from a service evaluator (consumer/customer) to the evaluator as taught by Kesel to further obtain consumer feedback about the sale experience to completely monitor all of the information regarding consumer sale experience so that evaluator can analyze, and report the information back to the provider for evaluation of service provided.”

Applicant respectfully traverses such statement. Riordan is a point-of-sales system, primarily used to obtain credit approval of the transaction. The inclusion of purchaser data is ancillary to that function. As stated in Riordan, Summary of the Invention, col. 2, lines 15-21:

“In a preferred embodiment, the present invention simultaneously captures at the POS all financial and non-financial data pertaining to a specific consumer transaction. An electronic invoice is constructed from the captured data and transmitted to a credit authorization location via a communication link necessarily established to transmit a credit authorization request for the transaction.”

And further at col. 6, lines 3-7:

“In contrast, the purpose of the invoice packet of the present invention is two fold: First, to request authorization for the transaction from credit authorization location 165, and second, to transmit to credit authorization location 165 a line item listing concerning the transaction. In this way, the invention efficiently employs the communications link established with credit authorization location 165 to simultaneously transmit thereto a line item listing comprising complete marketing data concerning the transaction.”

The PTO has the burden under section 103 to establish a prima facie case of obviousness. See In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-87 (Fed. Cir. 1984). It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984); see also Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 297 n.24, 227 USPQ 657, 667 n.24 (Fed. Cir. 1985); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). In order to find claim 1 to be obvious, the Examiner must show that there must have been something present in those teachings to suggest to one skilled in the art that the claimed invention was obvious, as stated in In re Bergel, 48 C.C.P.A. 1102, 292 F.2d 955, 956-57, 130 USPQ 206, 208 (CCPA 1961); In re Sponnoble, 56 C.C.P.A. 823, 405 F.2d 578, 585, 160 USPQ 237, 244 (CCPA 1969). Nowhere in Riordan is there any discussion of input from the customer to the evaluation processor (Decl. Seiple, ¶ 4(a)(b)). All communications between the customer and the product/service provider are either directly to the product/service provider or by telephone (Decl. Seiple, ¶ 4). See Riordan, Fig. 1, Fig. 2, Fig. 3, Fig. 5, and at col. 3, lines 19-20:

“Customer terminal 105 and POS computer 120 are adapted to permit communication therebetween via the internet.”

There is absolutely no discussion in Riordan that communications between the consumer and the evaluation processor is desired (Decl. Seiple, ¶¶ 4(a), 7(b)), there is absolutely no discussion in Riordan that communications between the consumer and the evaluation processor would be beneficial. Therefore, one of ordinary skill in the art would find no reason in Riordan to suggest that the receipt of customer comments of Kesel would be beneficial, or desired (Decl. Seiple, ¶ 7). “Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.” In re Bond, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990) (quoting Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135, 140, 231 USPQ 644, 647 (Fed. Cir. 1986)). To combine the references, the Examiner must show that there must have been something present in those teachings to suggest to one skilled in the art that the claimed invention was obvious, as stated in In re Bergel, 48 C.C.P.A. 1102, 292 F.2d 955, 956-57, 130 USPQ 206, 208 (CCPA 1961); In re Sponnoble, 56 C.C.P.A. 823, 405 F.2d 578, 585, 160 USPQ 237, 244 (CCPA 1969). There is no teaching in Riordan that any such modification is either necessary or desirable (Decl.

Seiple, ¶ 7(d)). The purpose of Riordan was to approve credit of the purchaser and to collect empirical product data, not opinions. As stated above, the Examiner must satisfy the burden of showing obviousness only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references, In re Lalu. There is no teaching in either Riordan or Kesel that there is any need or desirability to the combination since the customer in Kesel does not provide product identification data to the evaluation processor (Decl. Seiple, ¶ 7(e)). To the extent that the Examiner believes that such combination is taught in Riordan, Applicant respectfully requests that the Examiner provide references to the appropriate column and line of the specification of Riordan that lies within the description of the invention, and not in the background.

Regarding Kesel, the Examiner states:

“Kesel is cited to teach well known concept of consumer providing feedback (or evaluation data) to the evaluator (evaluation processor), the feedback containing a unique transaction identifier of the provider so evaluator can analyze, and report the information back to the provider for evaluation of service provided {see c5:35-65, c6:1-10}.”

Such statement is not correct. Kesel does not disclose that the feedback contains a unique transaction identifier of the provider (Decl. Seiple, ¶ 5). There is no need in Kesel to provide an identifier of the provider. The cited disclosure of Kesel only references a unique identifier of the customer, specifically Kesel states:

“In an alternate embodiment of the apparatus 10, the provider assigns to consumers a unique identifier 11. The consumer C enters the identification code selectively upon recording the comment 16 and upon making purchases. In this way, the provider tracks the comments and purchasing activity of the commentor.” (Emphasis added.)

A unique identifier for the product/service provider is nowhere taught in Kesel.

The Examiner further states:

“It would have been obvious to modify the teaching of Riordan et al by further including a step of providing an evaluation data (consumer feedback about the sale experience) containing a unique transaction identifier of the provider from a service evaluator (consumer/customer) to the evaluator as taught by Kesel to further obtain consumer feedback about the sale experience to completely monitor all of the information regarding consumer sale experience so that evaluator can analyze, and report the information back to the provider for evaluation of service provided.”

Applicant respectfully traverses such statement. The market data collected by Riordan is the identification, quantity and costs of goods purchased, in addition to information about the purchaser. Riordan never mentions customer feedback. Customer feedback about sales experience is not pertinent to Riordan (Decl. Seiple, ¶ 4(a)). Riordan does not teach that any such feedback is either beneficial or desired. Riordan does not teach that any analysis of customer feedback about the sale experience is beneficial or desired. The only information

reported to the provider in Riordan is whether the customer has sufficient credit for the purchase, at which time the sale experience has not even been completed. Contrary to the Examiner's statement, a unique transaction identifier of the provider is not disclosed or taught in Kesel (Decl. Seiple, ¶ 5). The system of Riordan collects empirical data from the provider about product types and purchase costs whereas the system of Kesel collects opinion data. The data of Riordan is collected for a different purpose than in Kesel. It would not be obvious to combine the teachings of Riordan and Kesel (Decl. Seiple, ¶ 7).

Regarding the combination of Riordan and Fuerst, the Examiner states:  
"In a similar marketing method for collecting consumer data with respect to sale, Fuerst is cited to teach efficient interactive automatic web survey tool builder and result compiler to allow efficient marketing/surveying between customer service provider and customer {see c1:40-60, c2:20-690}. It would have been obvious to modify the marketing/surveying method of Riordan et al/Kesel by using web survey to allow the customer (service evaluator) to provide evaluation data to the evaluator as taught by Fuerst above."

Applicant respectfully traverses such statement. First, Riordan has no use for the teachings of Fuerst (Decl. Seiple, ¶ 8(c)). Riordan utilizes an internet system to collect market data directly from the product/service provider. Thus, Riordan has no use for the surveying method of Fuerst (Decl. Seiple, ¶ 8(c)(d)). Secondly, the use by Kesel of the web hosting survey methods of Fuerst would add nothing to the accuracy and reliability of the opinion data of Kesel. There is nothing disclosed in Fuerst to suggest that the survey data is any more accurate than that of the prior art survey systems (Decl. Seiple, ¶ 6(c)(d)). All above comments to the efficacy of the combination of Riordan and Kesel equally apply to the combination of Fuerst. Such combination would not be beneficial or desired.

**Rejection of claims 2-3, 6-11, 13-16, 18, 20-25, 27-30, 32-33, 35-38 under 35 U.S.C. 103(a) as obvious over Riordan et al in view of Kesel or further in view of Fuerst.**

Claims 2-3, 6-11, 13-16, 18, 20-25, 27-30, 32-33, 35-38 are dependent on newly amended claims 1, 17 and 31 respectively. Applicant considers such claims to be allowable on their own merits and not obvious over Riordan in view of Kesel. However, since newly amended independent claims 1, 17 and 31 are not obvious over Riordan in view of Kesel, their dependent claims cannot be considered to be obvious, and such dependent claims are now deemed by Applicant to be allowable.

However, regarding the Examiner's statement that:

"As for dep. claims 9, 11 (of 1), 22, 25 (of 17), which deals with the file parameters, i.e. being retrieved directly to the service provider, this is inherently taught in the Internet system of Riordan et al as shown in Fig. 1, 5 and 6."

Applicant respectfully traverses such statement. Claims 1, 11, 22 and 25 include the **correlated transaction file** being automatically transmitted to/accessed by the service provider manager. There is no discussion of a correlated transaction file in Riordan, either



expressly for inherently. Riordan does not provide for any correlated transaction file because the system of Riordan does not directly receive input from the customer (Decl. Seiple, ¶ 4(c)). The only “data” transmitted to the service provider is the credit status of the consumer. There is no such “interently taught” feature in Riordan, and Applicant respectfully objects to the continued use of this phrase where no such inherency can exist. There is absolutely no discussion in Riordan of “file parameters,” nor is such taught in Figs 1, 5 and 6. Figs 1, 5 and 6 only show communications between the product/service provider POS system and the evaluator. The only comments in Riordan relating to “parameters” are:

“...authorization of the transaction or a denial of the transaction depending on various parameters such as whether the requested credit line exceeds the credit limit of the customer...”

and,

“As known in the art, a GIS comprises a set of tables that link groups of customers on the basis of distinct parameters, including: residence, ethnicity, family status, phone numbers, taxes, vocation, number of credit cards held, etc...”

All references to Kesel are not pertinent since a correlated data file would not be produced.

**Rejection of claims 12, 26, and 34 under 35 U.S.C. 103(a) as obvious over Riordan et al in view of Kesel or Fuerst.**

Claims 12, 26, and 34 are dependent on newly amended claims 1, 17 and 31 respectively. Applicant considers such claims to be allowable on their own merits and not obvious over Riordan in view of Kesel. However, since newly amended independent claims 1, 17 and 31 are not obvious over Riordan in view of Kesel, their dependent claims cannot be considered to be obvious, and such dependent claims are now deemed by Applicant to be allowable.

**Rejection of claims 2-3, 5-16, 18, 20-30, 32-38, 40-53 under 35 U.S.C. 103 over Riordan et al in view of Kesel or Fuerst as applied to claims 1, 3, 5-11, 13-16, 17, 20-25, 27-30, 31, 33, 35-38 above, and further in view of Remler or Fuest.**

Regarding Remler, the Examiner states:

“As for dep. claims 2, 18, 32, Remler is cited to teach interactive survey to improve services and products value, image, responding speed (using Internet), and consumer desirability (0004). It would have been obvious to modify the process of Riordan et al/Kesel or Fuerst by using interactive survey as taught by Remler to improve to improve services and products value, image, responding speed (using Internet), and consumer desirability (0004).”

Applicant respectfully traverses such statement, and particularly in the arguments relative to Riordan, Kesel and Fuerst discussed hereinabove. It should be noted that Remler is not more pertinent than Fuerst, and both teach interactive surveys, and neither are found to be useful to Riordan. As stated above, Riordan has no use for the teachings of Fuerst (Decl. Seiple, ¶ 8(c)). Riordan utilizes an internet system to collect market data directly from the

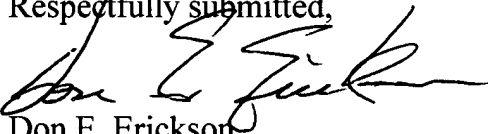
product/service provider. Thus, Riordan has no use for the surveying method of Fuerst (Decl. Seiple, ¶ 8(c)(d)) or Remler. Customer feedback about sales experience is not pertinent to Riordan. Riordan does not teach that any such feedback is either beneficial or desired. Riordan does not teach that any analysis of customer feedback about the sale experience is beneficial or desired. Such statement equally apply to Remler. In addition, claims 2-3, 5-16, 18, 20-30, 32-38, 40-53 are dependent on newly amended claims 1, 17 and 31 respectively. Applicant considers such claims to be allowable on their own merits and not obvious over Riordan in view of Kesel. However, since newly amended independent claims 1, 17 and 31 are not obvious over Riordan in view of Kesel, their dependent claims cannot be considered to be obvious, and such dependent claims are now deemed by Applicant to be allowable.

Remarks.

Claims 1, 17 and 31 have been amended to remove the non-statutory rejections of such claims by the Examiner. Limitations (a) in each of the independent claims has been amended to show that the invention includes an “automated evaluation processor,” which is defined in the specifications as a computer. This amendment is supported in the specification at page 2, lines 19-21 and at page 3, lines 12-16.

In addition, limitation (b) of each independent claim was amended to clarify that service evaluator directly contact the evaluation processor for providing to the evaluation processor evaluation data, not taught in either Riordan or Fuerst. Such amendments are supported in the specification at page 4, lines 22-28 and in Fig. 1. In addition, it was shown that neither Riordan nor Kesel produces a correlated transaction file.

Respectfully submitted,



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